

RECEIVED

Twiiin Productions, Inc.

2010 APR 27 PM 5: 00

REQUEST FOR ITEM TO BE PLACED ON COUNCIL AGENDA

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

TO: Mayor and Councilmembers, City Administrator / City Clerk

FROM: Twiiin Productions, Inc.

SUBJECT: Facility Use Permit for West Beach Festival

SPECIFIC ACTION REQUESTED:

That Council permits the special event application for West Beach Festival for event dates September 24-26, 2010.

EXECUTIVE SUMMARY:

On October 27th, 2007 the first annual West Beach Music & Arts Festival (WBF) was held on West Beach. The one-day event experienced rain, soft attendance of only 1,500 attendees, and a loss of more than \$300,000.00.

On December 19, 2007, the Parks & Recreation Department, confirmed dates for the second annual WBF to occur on September 12-14, 2008. The second edition of the festival had 8,500 paid attendees, and took a loss of more than \$550,000.00.

After the 2008 event, on October 26th, 2008, Twiiin Productions received a survey conducted by the Parks & Recreation Department on the comments from nearby businesses regarding the WBF (Exhibit A). Steve Hyslop, of the Waterfront Grill and Endless Summer, and Mark Romasanta of the Harbor View Inn were the only opponents of the festival and were not in favor of the event returning. All other hotels and businesses conducted in the survey were in favor of the event returning.

On September 18-20, 2009, the third edition of the annual festival was held on West Beach, hosting 33,000 local citizens, residents, artists and visitors from all over the world (Exhibit B).

On October 1, 2009, Twiiin Productions requested the event dates of September 24-26, 2010 for the fourth edition of the festival – moving the event one week later in the year, so that the hoteliers could benefit from the event not being on the same weekend as Welcome Weekend for UCSB.

On December 11, 2009, the Parks & Recreation Department notified Twiiin Productions that the dates for the 2010 WBF have been preliminarily held (Exhibit C).

On February 16, 2010, Twiiin Productions received a letter from Nancy Rapp, Parks & Recreation Director (Exhibit D). The letter, dated February 9th 2010, stated:

"The City is evaluating its policies related to large special events and amplified sound. Until that work is completed, we will not be permitting any large scale music events in park or beach locations."

On February 16, 2010, Twiin Productions learned from Dave Williams, Director of Operations for the AVP Pro Beach Volleyball Tour, that the city was planning a discussion of large scale music events in the City parks or beaches for the February 24th Parks and Recreation Commission. The Parks & Recreation Department acknowledged this meeting via email, but notified Twiin Productions that it had been removed from the agenda and that they were not aware of when it might be added again (Exhibit E).

On March 22, 2010, Twiin Productions appealed the decision to not permit the event (Exhibit F). Twiin also suggested initiating a facility fee to each ticket sold, which would create in excess of **\$100,000.00 in new revenue for the City**. This is in addition to the \$50,000.00+ in cost recovery fees paid by Twiin Productions, and the hundreds of thousands of dollars brought to the city by TOT and sales tax dollars.

On April 5, 2010, Twiin Productions received a response letter in electronic form from Nancy Rapp (Exhibit G). The letter stated:

*"This is an administrative decision involving the day-to-day management of the City park system made in concurrence with the City Administrator and, as such, it is **not an appealable decision.**"*

The City of Santa Barbara, Parks and Recreation Department General Policy, Pertaining to use of Parks, Recreation Facilities and Equipment (Exhibit H) states under General Provisions, paragraph 3:

"In the event that a permit request is denied, the applicant may appeal the decision."

The Department Director did not follow the General Policy of the Parks and Recreation Department. **An arbitrary, unilateral policy decision was made that compromised the proper process for special event applications.**

Twiin Productions is requesting that City Council permit the event for the dates that are already held by the department.

Twiin Productions emphasizes that the window of opportunity for this event to happen is narrowing to only a couple of weeks. The proper appeal process can no longer be implemented, after the department director compromised the proper process. There simply is not enough time for an appeal review to Parks or Recreation commission.

Twiin Productions prepared a Special Event Brief for the City review (Exhibit I). During the Pre-Event Meeting, held on August 18, 2009, with City Staff from nearly all departments, Twiin Productions clearly outlined what the city should expect from the festival. In the minutes of the meeting (EXHIBIT J), Section 6 outlines the estimated attendance figures, Section 7 outlines the expected demographics per day, and Section 8 outlines the suggested personnel plan.

There was no change in those plans. The City departments approved the site map plan, and were aware of the expected impact of the festival.

Twiin Productions is not opposed to discussion or a special study that would evaluate the impact. However, an undefined study, with undefined results should not compromise the millions of dollars of investment, the thousands of jobs that are created locally, and the economic impact of tens of thousands of visitors brought to our city.

The event has far greater positive history than what is being presented as poor history. The metrics of how to define a "large special event and amplified music" are undefined as well.

Permitting the event, does not compromise City Charter. Claiming that the decision is not appealable does compromise General Policy.

DISCUSSION:

A discussion of the known issues and conflict resolution methods surrounding the special event has been outlined in Twiin Productions appeal letter, Exhibit F.

PREPARED BY: Jeremy Pemberton, President

SUBMITTED BY: Joshua Pemberton, Vice-President

EXHIBIT A


ATTACHMENT 9

Comments from nearby businesses regarding the West Beach Music Festival

2008 FESTIVAL FEEDBACK

Business	Comments	In favor of event returning?
Waterfront Grill (owner-Steve Hystop)	<ul style="list-style-type: none"> General consensus from his customers was that they didn't like the fact that tickets did not allow "in & out" privileges. His restaurant did benefit with the after-parties that happened there. While his restaurant wasn't affected by any noise from event, he felt 3 days were too much and event would be more appropriate for SBCC's La Playa Stadium. Would like to see AVP event return 	Not in favor
Harbor View Inn and Eladios Restaurant (owner-Mark Romasanta)	<ul style="list-style-type: none"> Guests either checked out and left or didn't check in because there were no ocean views that weekend. Did not have festival goers staying at his hotel Had to bring in round-the-clock security staff to monitor his parking lot and clean it up since he knew he would get impacted by this event. 3 days of music is too much West Beach is wrong for this event. City receives a lot of bed tax from the hotels in the area and this event affects these dollars. Was approached by the Festival asking them to be a sponsor but he asked them if they would pay him to bring in additional security, staff to monitor/clean up parking lots, vacant rooms when people leave, etc. 	Not in favor
Hotel Oceana (mgr-Melissa Treue who started the week after the festival. Spoke to Front Office Mgr, Crystal)	<ul style="list-style-type: none"> Was sold out that weekend. The Music Festival did help them but they did have about 3 guests who decided not to stay and they had to give discounts to those who were sold first floor ocean views which were obstructive by the fencing. Some guests knew about the event and others were pleasantly surprised Could definitely hear the music. As long as they post notice on their website, problems are minimized AVP weekend was great but didn't have as much impact on them as the Music Festival did. Their staff really had to monitor their parking since people attempted to park there, plus people were wandering through their hotel afterwards, a bit drunk. If Music Festival plus hotel could put together a package deal, that would be a win-win. Garbage dumpsters along Cabrillo Boulevard took a long time to get picked up 	In favor
West Beach Inn (mgr-Theresa)	<ul style="list-style-type: none"> Didn't have any problems with this event Had been informed about it in advance and those who didn't know in advance didn't have a problem with it. Knows that some guests who stayed at hotel were going to the Music Festival Music volume was loud, but they were informed a 	In favor
Franciscan Inn 963-8845 (Asst Mgr-Eric Franklin) Debbie	<ul style="list-style-type: none"> Could hear the music from their motel, but mainly got positive comments Only had one noise complaint but couldn't remember which day it was for. Asst Manager's sister stayed in hotel and liked the fact that she would could reggae music on her balcony. May have gotten a bit of business from the Music Festival but it still is busy for them during September 	In favor
Ala Mar Hotel and Villa Rosa (mgr-Julia)	<ul style="list-style-type: none"> Thought it was a great thing She believes the Ala Mar Hotel got more business because of the Music Festival 	In favor
Business	Comments	In favor of event returning?

Colonial Inn (mgr-Craig) 3 blocks away from West Beach	<ul style="list-style-type: none"> • No complaints from his guests • Did have a couple of guests attend the Music Festival 	In favor
Harbor Restaurant	<ul style="list-style-type: none"> • They could hear the beat from the music at their restaurant. Comments were split between those who liked it and those who didn't. • Music Festival didn't affect their business one way or the other • Comments they got about the AVP event were all positive 	In favor
Moby Dick Restaurant (owner-Jose)	<ul style="list-style-type: none"> • 965-0549 • Business was slower than normal on the 3 days. Started to get busier on Sunday around 7pm • Many of his customers are older and don't like to come down to the restaurant when there's a lot of kids around. • Music volume was fine for his restaurant • Can see that festivals are good for City 	In favor



WEST BEACH MUSIC ARTS FESTIVAL

West Beach, Santa Barbara, CA

What is West Beach Festival?

- * West Beach Music & Arts Festival (WBMAF) is a grassroots, community event founded by Santa Barbara residents in 2007.
- * WBMAF is a 100% Cost-Recovered event
- * WBMAF is recognized internationally for its green leadership in sustainable practices
- * WBMAF focuses on local business partnerships and non-profit alliances

Welcome to Santa Barbara

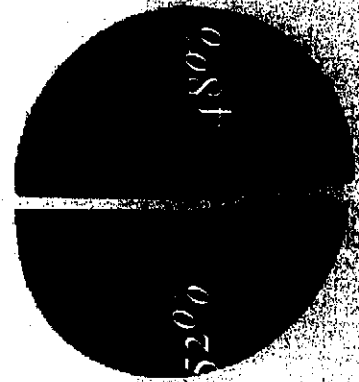
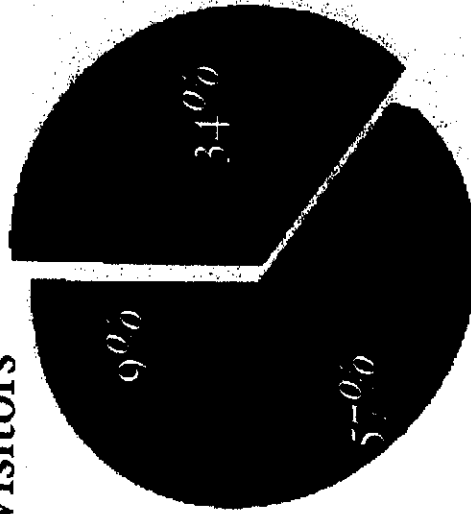


- Residents
- Return Visitors
- 1st Time Visitors

* Over 33,000 Residents & Visitors attended in 2009

* 45.3% stayed 3 or more nights

* 48% traveled 50+ miles



- Traveled 50+ miles
- Less than 50 miles traveled

Internationally Recognized

* WBMAF diverse and multi-cultural influences
compliment Santa Barbara as a world-class destination

westbeachfestival.com
Map Overlay

Jul 1, 2009 - Sep 30, 2009
Comparing to: Site



Visits
1 165,057

171,611 visits came from 108 countries/territories

Visits	Pages/Visit	Avg. Time on Site	% New Visits	Bounce Rate
171,611	3.09	00:02:50	58.88%	35.19%
% of Site Total:	Site Avg:	Site Avg:	Site Avg:	Site Avg:
100.00%	3.09 (0.00%)	00:02:50 (0.00%)	58.81% (0.15%)	35.19% (0.00%)

From: "Jang-Bardick, Susan" <SJang-bardick@SantaBarbaraCA.gov>
Subject: **RE: Your recent public special event**
Date: December 11, 2009 11:09:35 AM PST
To: "Jeremy Pemberton" <jeremy@twiinproductions.com>
Cc: "Rapp, Nancy" <NRapp@SantaBarbaraCA.gov>, "Harwood, Riley" <RHarwood@sbpd.com>, "Naganuma, Scott" <SNaganuma@sbpd.com>, "Young, Kenneth" <kyoung@santabarbaraca.gov>, "Jackson, Lawrence E" <ljackson@santabarbaraca.gov>, "Flesse, Amanda L" <aflesse@SantaBarbaraCA.gov>

Hi Jeremy:

I have preliminarily held the dates you requested for your 2010 event. However, there are issues from 2009 that still need to be resolved. You still have outstanding balances with the City such as the \$9,249.50 balance for Police services and the reimbursement to Public Works for the damaged sidewalk that occurred during your event. I also know there needs to be a discussion between the City and the public regarding the types of events that should be at West Beach (Nancy Rapp talked about this the 10/9 post-event meeting) but until all bills are paid to the City, we cannot start any discussions for a 2010 event.

Susan

From: Jeremy Pemberton [mailto:jeremy@twiinproductions.com]
Sent: Friday, December 04, 2009 4:53 PM
To: Jang-Bardick, Susan
Subject: Re: Your recent public special event

Susan,

I'd like to follow up on these dates. Please advise.

Hope your holidays are going well!

Cheers,

Jeremy

On Thu, Oct 1, 2009 at 12:52 PM, Jeremy Pemberton
<jeremy@twiinproductions.com> wrote:
September 24-26 event dates

Rental Dates Sept 17-29

On Tue, Sep 29, 2009 at 6:10 PM, Jang-Bardick, Susan <SJang-bardick@santabarbaraca.gov> wrote:

Hello Event Organizers:

Now that your recent event in September is over, I have a few things I need you to do:

- 1) Please take a second and click on this link to complete a brief survey, <http://www.sbparksandrecreation.com/eventsurvey>. Even though you may have done this for a previous event, survey results are used when we compile 1st quarter data (July to September) for our quarterly performance reports.
- 2) If your event will return next year, please let me know within a month's time what your 2010 date will be so I can put a tentative hold in our reservation system. **This is important to do since other events, such as weddings, also use these sites and I want to make sure you secure your date before someone else does.** You don't need to file the application until at least 6 - 8 months prior to your event, but keep in mind that if you decide to move your event to another date, it is subject to availability on the master calendar.
- 3) Fees for public and sporting events are changing effective September 2009. Setup and breakdown days will be charged at 35% of the event day fee and fees for for-profit organizations will be 20% higher. Also if you plan to change the size and scope of your event from what it's been in the past, this can affect your fees since fees are based on factors such as estimated attendance, scope of setup, whether setup or breakdown days are needed and whether the applicant is a city resident or not.

I look forward to working with you again next year. Please call me when you're ready to begin your application and I'll email you the link to download one.

Thank you,

Susan

Susan Jang Bardick

Facilities & Special Events Supervisor

City of Santa Barbara / Parks & Recreation

1118 E. Cabrillo Boulevard

Santa Barbara, CA 93103

Voice: 805.897.1999

Fax: 805.897.1945

Email: SJang-Bardick@SantaBarbaraCA.gov

Please view our website at: www.sbparksandrecreation.com



City of Santa Barbara Parks and Recreation Department

www.sbparksandrecreation.com
www.SantaBarbaraCA.gov

Administration Office

Tel: 805.564.5431
Fax: 805.564.5480
620 Laguna St.
PO Box 1990
Santa Barbara, CA
93102-1990

February 9, 2010

Parks Division Office

Tel: 805.564.5433
Fax: 805.897-2524
402 Ortega St.
P. O. Box 1990
Santa Barbara, CA
93102-1990

Jeremy and Joshua Pemberton
Twinn Productions
1221 Chapala Street
Santa Barbara, CA 93101

Dear Jeremy and Joshua Pemberton:

Recreation Division Office

Tel: 805.564.5418
Fax: 805.564.5480
620 Laguna St.
PO Box 1990
Santa Barbara, CA
93102-1990

The City is evaluating its policies related to large special events and amplified sound. Until that work is completed, we will not be permitting any large scale music events in park or beach locations.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nancy L. Rapp".

Nancy L. Rapp
Parks and Recreation Director

Creeks Division Office

Tel: 805.897.2658
Fax: 805.897.2626
620 Laguna St.
PO Box 1990
Santa Barbara, CA
93102-1990

cc: Jim Armstrong, City Administrator
Camerino Sanchez, Police Chief
Steve Wiley, City Attorney

Golf Course

Tel: 805.564.5547
Fax: 805.897.2644
3500 McCaw Ave.
PO Box 1990
Santa Barbara, CA
93102-1990

Community Services

Tel: 805.963.7567
Fax: 805.963.7569
423 W. Victoria St.
PO Box 1990
Santa Barbara, CA
93102-1990

2/16/10

From: "Jang-Bardick, Susan" <SJang-bardick@SantaBarbaraCA.gov>
Subject: **RE: City Meeting on Park Use**
Date: February 17, 2010 1:27:39 PM PST
To: "Jeremy Pemberton" <jeremy@twiinproductions.com>

No, I'm not aware of the circumstances nor do I know when it might be added. I just know a lot of time is being concentrated budget work for this and next year.

Susan

From: Jeremy Pemberton [mailto:jeremy@twiinproductions.com]
Sent: Wednesday, February 17, 2010 1:16 PM
To: Jang-Bardick, Susan
Subject: Re: City Meeting on Park Use

Hey Susan,

Are you aware of the circumstances that led to removing the discussion from the agenda? Do you have any insight on when it might be added?

Thanks!

On Feb 17, 2010, at 1:13 PM, Jang-Bardick, Susan wrote:

Hi Jeremy:

There has been the possibility of having a discussion of large scale music events in City parks or beaches for the February 24th Parks and Recreation Commission meeting, but it is no longer is on the agenda. I will let you know when it is.

Take care,
Susan

From: Jeremy Pemberton [mailto:jeremy@twiinproductions.com]
Sent: Tuesday, February 16, 2010 6:04 PM
To: Jang-Bardick, Susan
Subject: City Meeting on Park Use

Susan,

I hope this finds you well. I had heard there was to be a meeting on the 24th regarding park use.

March 22, 2010

Nancy Rapp
Parks and Recreation Department
620 Laguna Street
Santa Barbara, CA 93101

Dear Nancy Rapp:

This letter serves as an appeal to the decision you made to not allow a permit for our festival on West Beach.

I want to make note that the problems you communicated to me at our meeting on February 16, 2010 are perceived problems that can be addressed. Every issue that has been identified can be mitigated. We are committed to resolving these issues as our history with the City and the 79 bookings with your department have proven. We are in this for the long haul and are willing to negotiate terms that make sense for all parties involved.

I have prepared a list of known issues and conflict resolution methods.

- Monies Due - Upon requesting dates for the 2010 edition of the West Beach Music & Arts Festival, Twiin Productions was notified by Susan Jang-Bardick, Parks & Rec Special Events Supervisor, that Twiin still had a balance due to SBPD and reimbursement owed to Public Works for a damaged sidewalk that Twiin allegedly created. Twiin paid the SBPD balance in full and to date has paid every invoice from the city within 30 days of receipt. Twiin has yet to resolve the dispute on balanced owed to Public Works. We are willing to resolve this issue.
 - As stated in our post event meeting on October 9, 2009, Twiin requested that this balance be dismissed because our initial request to Amanda Fleese, Project Manager of the West Beach Pedestrian Improvement Project, was not honored. Twiin made a clear and public request in presence of City representatives during our Pre-Event walk through meeting on September 1, 2009. At this meeting Twiin was notified by Amanda Fleese that we would be liable for any damage to the new sidewalk. I spoke up and disputed that this was an unreasonable verbal warning for liability and made a request that we receive documentation to fully understand the liability to which we were taking. No further communication on this item occurred

until the Post Event Meeting when a suggested amount due was presented. Furthermore, the evidence that was provided as cause of action was inaccurate. The alleged "roadway" that was built for vehicle use was actually only a 4' wide plywood pathway that was utilized for ADA access only.

- Once again, we are willing to resolve this issue. We have not received an invoice from the City on this matter – only a copy of an Interoffice Memo suggesting a balance due from Public Works to Nancy Rapp. Please advise how you would like to see this matter resolved.
- Waterfront Parking - Unfortunately, my organization was ultimately responsible for duplications of parking permits that were issued from the Waterfront Department. Outside of this single occurrence of bad faith, my organization has upheld its good faith with the City over the past three years and 79 bookings with the Parks and Recreation Department. We paid the invoice in full from the Waterfront Department for the cost of each duplicated parking permit.
 - In trying to identify why this type of activity would have occurred, I found that the use of the passes were not being met according to the requested use by Twiin. Twiin desired to have a thruway access to the vehicle entrance of the reserved park – similar to the thruway access that was used with the dredging project and the use of sand transport trucks. The passes were primarily used to allow logistical equipment transport from the park vehicle entrance and Cabrillo Blvd – not parking stalls.
 - I find that both of these circumstances can be addressed and corrected.
 - Twiin desires to work with the Waterfront Department closer, to ascertain a plan that works and use the experience of the department to help guide the solution they see best fit.
 - We are committed to spending the resources necessary to mend this issue.
- Noise - Twiin was notified that the 2009 edition of the West Beach Music & Arts Festival caused approximately 20 citizens to respond negatively with complaints about the level of sound generated from the music festival and the 33,000 attendees. This level of response did not happen in the 2007 or 2008 edition of the festival. I believe it is a correctable concern, as proven in the earlier editions of the festival.
 - We will lower the volume
 - Provide an independent sound monitor
 - Add relay speakers throughout the site to assist in lower initial DB level of sound.
- Impact on West Beach community and businesses - Twiin has been committed to working with the local citizens, hoteliers, and businesses of

the West Beach community. Since the inception of the event, we have complied with city protocol and have issued notification letters to all surrounding businesses and residents.

- We have taken further steps than recommended and have offered complimentary passes for all businesses or residents that are impacted.
 - This past year we held a town hall style meeting at Veterans Memorial building on Cabrillo Blvd. This meeting was advertised and included in our notification letters. We had the opportunity to address any concerned citizens or businesses, as well as provide further detailed information about the event.
 - Furthermore, we met with specific stakeholders and hoteliers to identify impact mitigation plans that would meet the needs of their concerns. We made payments to benefit these stakeholders to cover the cost of security, valet, and parking restriction waivers.
- Security – We have received feedback that the level of security this past year was inadequate and needs to be addressed.
 - We have **tripled** our security budget for the 2010 edition of the festival, allowing us to more than double the personnel and provide for a more qualified firm.
 - We have identified a qualified, event guard specialized company from San Dimas. This company has 350+ employees and provides services year round for events and festivals with capacities up to 130,000 attendees. They provided services for the Presidential Inaugural Ball, and have a mobile command center that can meet the needs of our festival.
 - In years past, we outlined our plans with the city and worked closely with SBPD to develop an approved plan for the event.
 - We will continue to work closely with SBPD and increase our resources to provide adequate security for the event site and impacted businesses.
- Demographics of festival goers – this is a programming fix. We are committed to meeting the needs of our community. This was not a concern in the 2007 or 2008 edition of the festival
 - This concern can be mitigated
 - TwiIn is committed to programming a festival to the needs of our community

I want to stress that we are committed to making the West Beach Music & Arts Festival a world-class event for the City of Santa Barbara, its Citizens, Non-Profit Groups, Local Businesses and Merchants. We have worked with the Santa Barbara Chamber of Commerce, The Santa Barbara Convention Visitor's Bureau and Film Commission, and the Downtown Organization. We have a proven track record of

addressing the issues that have been presented, and we are committed to providing resolutions that meet the needs of our community.

The 2008 festival had a series of setup issues mentioned in the Post Event Agenda. The 2009 post event agenda had **NONE**. We clearly took to heart the feedback of issues and corrected them. I know we can do the same with the new issues at hand.

We are willing to negotiate terms that make sense for all parties involved. Outside of the TOT tax dollars, Sales Tax, and direct fees paid to the City for the event; we are offering the City an additional revenue source by establishing a facility fee for every ticket purchased for the event. This fee would easily cover the cost of salary for several staff members of the Parks and Recreation Department or other impacted departments. This would save jobs in your department and other departments. We are desirous of a multi-year deal and are capable to adjust our contribution according to length of contract.

Thank you for your time and consideration. Please take note that there are already hundreds of thousands of dollars in commitments, not to mention the dozens of local businesses and non-profit groups that are already committed for the 2010 edition of the festival.

Your timely response to this matter is appreciated.

- Sincerely,

Jeremy Pemberton
Co-Founder / President
Twiin Productions, Inc.

CC: Helene Schneider, Mayor
Dale Francisco, Councilmember
Frank Hotchkiss, Councilmember
Grant House, Councilmember
Michael Kathleen Self, Councilmember
Harwood "Bendy" White, Councilmember
Das Williams, Councilmember
Jim Armstrong, City Administrator

From: "Rapp, Nancy" <NRapp@SantaBarbaraCA.gov>
Subject: **RE: RESPONSE TO VOICEMAIL**
Date: April 5, 2010 3:17:39 PM PDT
To: "Jeremy Pemberton" <jeremy@twiinproductions.com>

Jeremy,

I apologize that you have not received the letter yet. I am sure you will receive soon. I do not have a pdf available, but here is the content of the letter.

Nancy

Nancy L. Rapp
Parks and Recreation Director
City of Santa Barbara
P.O. Box 1990, Santa Barbara, CA 93102
PH (805) 564-5431
FAX (805) 564-5480
Main Office Reception (805) 564-5418
nrapp@santabarbaraCA.gov

March 30, 2010

Jeremy Pemberton
Twiin Productions
1221 Chapala Street
Santa Barbara, CA 93101

Dear Jeremy:

I am in receipt of your letter of March 22, 2010 asking the City to reconsider not permitting the West Beach Music Festival for 2010.

As I indicated in my February 9, 2010 letter to you, the City is evaluating its policies related to large special events and amplified sound. Until that work is completed, we will not be permitting any large scale music events in park or beach locations. This is an administrative decision involving the day-to-day management of the City park system made in concurrence with the City Administrator and, as such, it is not an appealable decision.

Sincerely,

Nancy L. Rapp
Parks and Recreation Director

From: Jeremy Pemberton [mailto:jeremy@twiinproductions.com]
Sent: Monday, April 05, 2010 3:04 PM
To: Rapp, Nancy

Subject: Re: RESPONSE TO VOICEMAIL

Nancy,

I hope you had an enjoyable Easter weekend.

I have yet to receive a written response from my letter.

Please advise.

Thanks,

Jeremy

On Apr 5, 2010, at 2:37 PM, Rapp, Nancy wrote:

Hi, Jeremy,

I am sorry that I did not get your voicemail until today. I was at a meeting Thursday afternoon and our offices were closed on Friday. I assume that by now you have received my written response to your request. If you have not, please let me know.

Nancy

Nancy L Rapp
Parks and Recreation Director
City of Santa Barbara
P.O. Box 1990, Santa Barbara, CA 93102
PH (805) 564-5431
FAX (805) 564-5480
Main Office Reception (805) 564-5418
nrapp@santabarbaraCA.gov

**CITY OF SANTA BARBARA
PARKS AND RECREATION DEPARTMENT**

**GENERAL POLICY
PERTAINING TO USE OF PARKS, RECREATION FACILITIES
AND EQUIPMENT**

I. PUBLIC USE OF PARKS AND RECREATION FACILITIES

A. Policy Statement

It shall be policy of the Parks and Recreation Department to administer and schedule all parks and recreation facilities efficiently and effectively to best accommodate public demand and interests for organized and unorganized recreation activities and services. Generally, the Recreation Director shall have primary responsibility for scheduling parks and facilities, collaborating with the Parks Director when special uses are considered or requested, particularly when such uses will have a significant maintenance impact.

This policy statement specifically regulates the use of the City's parks and recreation facilities in order that all persons may have the opportunity to enjoy and use facilities without infringing on the rights of others.

Statements, rules and regulations that follow constitute the policy of the City regarding the use of City parks and recreation facilities in particular, and may apply, all or in part, to any other facility under the jurisdiction of the Parks and Recreation Departments where no specific policy exists.

B. General Provisions

1. Exceptions or waiver of any of the terms and conditions as required in this policy statement must have the approval of the Recreation Director, or as necessary, the Parks and/or Recreation Commissions or City Council.
2. Parks, recreation buildings and related facilities are available to any group in the Santa Barbara area for activities which contribute to recreational, social, cultural, civic and educational interests of the citizens of Santa Barbara.
3. Approvals/denials of Application for Facility/Parks and Equipment Use Permit shall be an administrative procedure, without the involvement of either Commission. In the event that a permit request is denied, the applicant(s) may appeal the decision to the Park or Recreation Commission. Whether the appeal is made to the Park or to the Recreation Commission will be determined by the character of the facility for which the permit was requested. Commission(s) denials may be appealed to the City Council by the applicant.

EXHIBIT I

ATTACHMENT 9



**WEST BEACH MUSIC & ARTS FESTIVAL
SEPTEMBER 18-20, 2009
WEST BEACH, SANTA BARBARA, CA**

SPECIAL EVENT BRIEF



SPECIAL EVENT SUMMARY

TITLE: WEST BEACH MUSIC & ARTS FESTIVAL '09

DESCRIPTION: 3 DAY MUSIC & ARTS FESTIVAL ON 10 ACRES OF WEST BEACH IN SANTA BARBARA, CA. FEATURING 40+ BANDS ON 4 STAGES. INCLUDING 50+ EXHIBITORS, VENDORS, & SPONSORS BOOTHS. ANTICIPATED ATTENDANCE OF 30,000 GUESTS OVER 3 DAYS.

DATE(S): SEPTEMBER 18-20, 2009

EVENT TIMES:

SET-UP DAYS	9/14-9/17	FROM: 7:00AM To: 10:00PM
EVENT DAYS	9/18-9/20	
	SETUP	FROM: 7:00AM To: 1:00PM
	EVENT	FROM: 1:00PM To: 10:00PM
	BREAKDOWN	FROM: 10:00PM To: 12:00AM
BREAKDOWN DAYS	9/21-9/24	FROM: 6:00AM To: 10:00PM

LOCATION: WEST BEACH, SANTA BARBARA
300 W. CABRILLO BLVD.
SANTA BARBARA, CA 93101

ATTENDANCE FIGURES:

ANTICIPATED:

ATTENDEES:	TOTAL: 30,000	PER DAY: 10,000
PARTICIPANTS:	TOTAL: 1,200	PER DAY: 1,000

PREVIOUS YEAR:

ATTENDEES:	TOTAL: 20,000	PER DAY: 7,000
PARTICIPANTS:	TOTAL: 800	PER DAY: 650

ADMISSION / TICKETING:

OPEN TO THE PUBLIC: DOORS/GATES: 3PM ON 9/18, 12PM ON 9/19 & 9/20
SHOW START: 3PM ON 9/18, 1PM ON 9/19 & 9/20 CURFEW: 10:00PM
AGE GUIDELINES: ALL AGES - 10 & UNDER FREE CAPACITY: 15,000
TICKETS: \$25-\$45 SINGLE DAY, \$75-\$105 THREE DAY PASS
TICKET OUTLETS: BEACHCITYTICKETS.COM, ARLINGTON THEATER BOX-OFFICE



CITY EVENT BRIEF

WEST BEACH MUSIC & ARTS FESTIVAL '09

NEIGHBORHOOD / COMMUNITY AWARENESS

- **Notification**
 - 3 Days prior to the event set-up dates – signage will be placed along the pedestrian pathway to advise of the park rental and event.
 - 45 Days prior to the event date – there will be a neighborhood notification letter posted throughout the immediate neighborhood – announcing a community open forum meeting.
 - 30 Days prior to the event date – an open meeting will occur for West Beach community residents.
 - 21 Days prior to the event date – an additional neighborhood notification letter will be sent to the West Beach and Waterfront Community.
- **Preventive Maintenance**
 - Twin Productions will provide a direct contact for event management to relieve influx of calls to the city
 - Twin productions will provide sound monitor and ensure proper decibel levels

PARKS AND RECREATION

- **Setup**
 - Sept 14 – LOAD IN: Fencing, Portable Office Buildings / Containers, Flooring, Generators, Portable Restrooms, Production Trailers, Transportation Equipment, Utilities Installed, & Preliminary Staging
 - Sept 15 – LOAD IN: Mobile Stages, Event & Party Rentals, Raised Platform & Cabana Equipment/Rentals, Generator Distribution, Food Vendor & BOH Floor Treatment
 - Sept 16 – LOAD IN: Sound & Lighting Packages, Art Décor, Exhibitor Rental Tents & Canopies, Sponsor Infrastructure / Assets, Jumbotron
 - Sept 17 – LOAD IN: Barricade, Food Exhibitors, Remaining Portable Restrooms, Artists Trailers, Catering Kitchen, Beer Trailers, Hospitality Treatments, F&B Product, Red Cross
- **First-Aid**
 - The American Red Cross will provide all necessary first aid presence –including canopy and tenting, with small donation. AMR will be notified of event and expect to have an ambulance present.

- **Sanitation**
 - Central Coast Industries will provide sanitation. They will supply all refuse, recycle and portable toilet needs; providing (85) portable restrooms, (10) handicap accessible, and (30) four station sink. (22) VIP Toilets. CCI will have a sanitation truck available in the event that the portables need to be emptied.
- **Clean-up**
 - Channel Islands Janitorial will provide on-site, constant janitorial services. Maintaining cleanliness of festival grounds, restrooms, and surrounding event property.
- **Food and Merchandise Vendor Logistics**
 - Twiin Productions is responsible for all logistics of the event that pertain to food and merchandise vendors, as well as electrical and water supply. Its experienced team will execute a timely schedule for load-in and load-out of all vendors; coordinated to provide plenty of time for city health inspectors to verify that all standards are met.

PUBLIC WORKS – TRANSPORTATION

- **No Parking Areas and Road Closure Request**
 - There will be no special requests other than the Parking Restriction Waiver for Cabrillo Blvd RE: Dumpsters and 200' temp zone.

POLICE DEPARTMENT

- **Security Plan**
 - Twiin will contract 55 CA licensed Security Guards.
 - Twiin will provide 25 Ushers
 - Twiin will contract w/ SBPD for officer presence
- **Underage Prevention**
 - Twiin Productions will provide experienced and LEAD trained personnel to administer all elements of alcohol distribution. There will be a separate, outside of the beer garden, canopy that will administer distribution of wristbands. This will assist in the overcrowding of the main entrance, allowing personnel to ID effectively.

FIRE DEPARTMENT

- **Emergency Exits and Plan**
 - There will be an appropriate number of exits determined by city regulations and verified by the contracted fencing company. There are currently 8 emergency exits that will be clearly marked.
 - Twiin will also comply with the State law's *Emergency Exit Announcement* and provide a detailed exit strategy for all attendees.

LEGEND:

TC: Time Card Report
TM: Team Meeting
VC: Vehicle Check In/Out

Each Address for Football Fans in the Bear Garden

RECEIVED CHECK SUCH IT

Last Updated 9 SEP 09, 10:30AM

2009 WEST BEACH MUSIC & ARTS FESTIVAL

West Beach, West Cabrillo Ave, Santa Barbara, CA

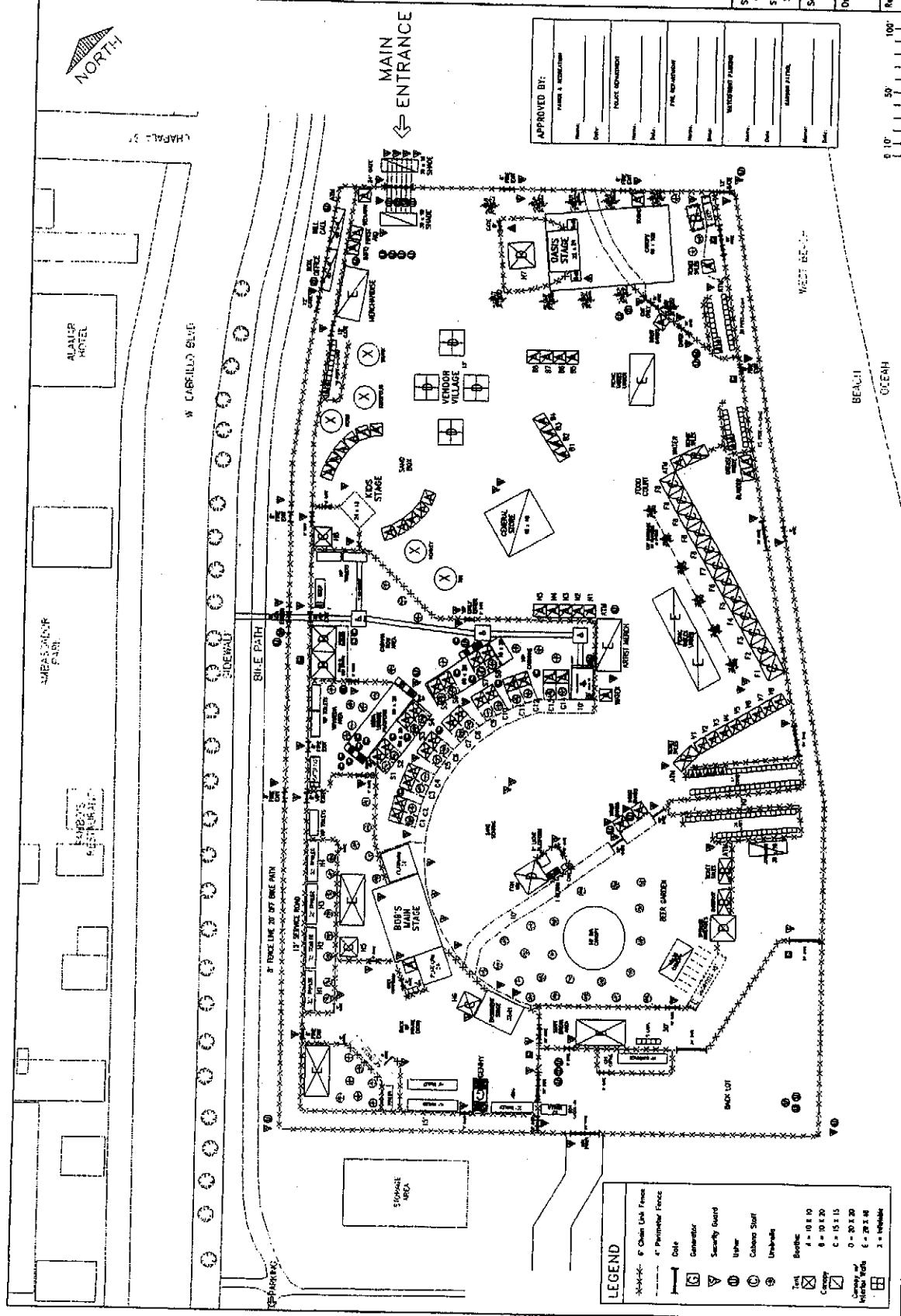
Site Plan

Setup Dates:
Sept. 14-18, 2009
Strike Dates:
Sept. 21-23, 2009

col:

rown by:
BayCAD Services
9-1-09

Rev f:	Sheet #:
B	A-0





**CITY OF SANTA BARBARA
PARKS AND RECREATION DEPARTMENT**

**West Beach Music Festival Pre-Event Meeting
August 18, 2009, 1:30pm – Cabrillo Pavilion Arts Center Conference Rm.**

MINUTES

Attendees: Susan Jang-Bardick, Ken Young, Karl Treiberg, Diana Palmer, Beth Williamson, Cesar Barrios, Riley Harwood, Steve McCullough, Jeremy Pemberton, Joshua Pemberton, Warner Anderson, Mike Lazaro, Dale Ferguson, Alice Chien, Blair

Note: We went over the park permit addendum pretty much line-by-line and reviewed their preliminary site map. Below are further details that were discussed. Jeremy also provided a detailed brief that had not been updated after the park permit addendum was received.

1. Timeline

- Setup from 9/14 – 9/17, event from 9/18 – 9/20, breakdown from 9/21 – 9/23. 6am start time each day pushed to 7am out of consideration for motels across the street
- Music to end at 8pm on Sunday unless organizers get approval from 2/3 of the motels across the street. Deadline for this is 9/2.

2. Rental Area

- Rental area is reduced by 20% this year. Eastern setup boundary ends at Chapala Street and not 50 feet eastward as in 2008. Per a Coast Development Exclusion Permit application that Susan signed, dimensions listed were 1,000 feet by 420 feet.
- Entire perimeter fencing to be 15 feet from the bikepath and 20 feet away from the dredge yard, with no part of dredge yard fencing used for their fencing.
- Organizers to add service roads on the north and south side of setup, have a back lot area for vehicles and the performers compound all enclosed within their perimeter fencing.
- Will enclosed the 6 volleyball courts but only want the nets taken down, not the poles

3. Rules and Regulations

- Will post "no parking" along Cabrillo Boulevard for dumpsters, key staff people. Organizers mentioned they got ticketed in 2008.
- Organizers mentioned that the West Beach Pedestrian Improvement Project is stopping during the time of event. Will invite construction manager, Amanda Fleese to site meeting on 9/1 so she can discuss this further.
- Organizers have developed relationships with the hoteliers, will have a meeting with the neighborhood on 8/25 at 6pm at the Vets' Hall.

4. Setup, Breakdown and Hours of Operations

- Organizers not having ATVs in 2009, only mules. Told that during event times when general public is around, they need to have staff walk in front of any vehicle so it doesn't drive faster than 10 mph and has their flashers or headlights on. Will provide PD with one mule that has a flat bed in case they need to take someone away.
- Organizers mentioned that the West Beach Pedestrian Improvement Project is stopping during the time of event. Will invite construction manager, Amanda Fleese to site meeting on 9/1 so she can discuss this further.
- Organizers have developed relationships with the hoteliers, will have a meeting with the neighborhood on 8/25 at 6pm at the Vets' Hall.
- Asked that they make periodic announcements as to where the exits are during the festival.

5. Launch Ramp, Harbor Parking Lot and Private Motel Parking

- Organizers want 10 parking spaces in the launch ramp lot. Even though they have a back lot and don't have a need for a "holding area", they want to have spaces in case they're needed.
- Not planning to use SBCC parking lots since it would have cost them more than the posted fee.
- Organizers will have security guards patrolling the hotels across the street to prevent their festival goers from parking there during event times.

6. Food, Beverages and Vendors

- Will have healthier food options this year, with vendors adopting green practices (i.e. using compostable utensils, etc.)
- Will have beer garden by the Main Stage (1800 capacity) plus requested a second beer garden by the Oasis Stage (capacity not mentioned). Both will be double-fenced. Cabana area will have double-fencing but with IDs checked upon entrance and 21 years and older people wrist-banded.
- PD wants a separate security meeting to discuss number of officers required since a second general public beer garden is added and the overall attendance is higher this year (estimated 15,000 per day).
- The wastewater bladder and grease containers shown outside the perimeter fencing on the preliminary map will be actually inside.
- This year, the Jordano's refrigerator truck is located on the south side of their setup. Noise from this shouldn't be a problem.
- Requested that vending permit applications be submitted early so the Finance/Business Licenses department isn't inundated such a large number of last minute applications.

7. Amplified Music, Sound and Lighting

- All 3 stages face towards the ocean this year.
- Music on Friday geared to all ages and family, geared to 18 – 34 years on Saturday, geared to 16 – 24 years on Sunday.
- Music to end at 8pm on Sunday unless organizers get approval from 2/3 of the motels across the street. Deadline to turn in approvals is 9/2.
- Curfew times must be adhered to this year. Organizers may not get PD to override these ending times. Organizers will be charged \$100 per minute for any time the music extends beyond the curfew time. Organizers will synchronize their watches with the Park Monitor on duty.
- Organizers are adding more lighting throughout event area and perimeter "can" lighting.
- Organizers will have a searchlight on Cabrillo Boulevard from 7 – 10pm each event night.

8. Personnel Required

- Organizers know there will be a park monitor around periodically checking the site during the setup, event and breakdown days.
- Organizers will need to cross the bike path on Monday, 9/14 for unloading purposes so they'll have flag people 20 feet on either side of the blocked area.
- Organizers will have 55 security and 35 ushers present during event days. PD to decide number officers after their security meeting with organizers.
- Besides their professional cleaning service, Channel Island Janitorial, organizers are working with California Coastal Cleanup, who will have volunteers cleaning within their area on Saturday and returning on Monday after the festival.

9. Trash, Recycling and Restroom Requirements

- Organizers pointed out where portable toilets are being placed on their site map. Central Coast Industries providing 85 portable toilets, 10 ADA toilets

- Forgot to discuss about trash/recycling boxes, but organizers are familiar with pairing the boxes from prior events.

10. Temporary Sign Standards

- Discussed that the standards that Susan handed out must be followed. Susan offered that if the Sign Committee wants to provides other input to her, they should contact her.

Meeting Adjourned at 3:00 pm

RECEIVED

Twiiin Productions, Inc.

2010 APR 27 PM 5:00

REQUEST FOR ITEM TO BE PLACED ON COUNCIL AGENDA
CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

TO: Mayor and Councilmembers, City Administrator / City Clerk

FROM: Twiiin Productions, Inc.

SUBJECT: Facility Use Permit for West Beach Festival

SPECIFIC ACTION REQUESTED:

That Council permits the special event application for West Beach Festival for event dates September 24-26, 2010.

EXECUTIVE SUMMARY:

On October 27th, 2007 the first annual West Beach Music & Arts Festival (WBF) was held on West Beach. The one-day event experienced rain, soft attendance of only 1,500 attendees, and a loss of more than \$300,000.00.

On December 19, 2007, the Parks & Recreation Department, confirmed dates for the second annual WBF to occur on September 12-14, 2008. The second edition of the festival had 8,500 paid attendees, and took a loss of more than \$550,000.00.

After the 2008 event, on October 26th, 2008, Twiiin Productions received a survey conducted by the Parks & Recreation Department on the comments from nearby businesses regarding the WBF (Exhibit A). Steve Hyslop, of the Waterfront Grill and Endless Summer, and Mark Romasanta of the Harbor View Inn were the only opponents of the festival and were not in favor of the event returning. All other hotels and businesses conducted in the survey were in favor of the event returning.

On September 18-20, 2009, the third edition of the annual festival was held on West Beach, hosting 33,000 local citizens, residents, artists and visitors from all over the world (Exhibit B).

On October 1, 2009, Twiiin Productions requested the event dates of September 24-26, 2010 for the fourth edition of the festival – moving the event one week later in the year, so that the hoteliers could benefit from the event not being on the same weekend as Welcome Weekend for UCSB.

On December 11, 2009, the Parks & Recreation Department notified Twiiin Productions that the dates for the 2010 WBF have been preliminarily held (Exhibit C).

On February 16, 2010, Twiiin Productions received a letter from Nancy Rapp, Parks & Recreation Director (Exhibit D). The letter, dated February 9th 2010, stated:

"The City is evaluating its policies related to large special events and amplified sound. Until that work is completed, we will not be permitting any large scale music events in park or beach locations."

On February 16, 2010, Twiin Productions learned from Dave Williams, Director of Operations for the AVP Pro Beach Volleyball Tour, that the city was planning a discussion of large scale music events in the City parks or beaches for the February 24th Parks and Recreation Commission. The Parks & Recreation Department acknowledged this meeting via email, but notified Twiin Productions that it had been removed from the agenda and that they were not aware of when it might be added again (Exhibit E).

On March 22, 2010, Twiin Productions appealed the decision to not permit the event (Exhibit F). Twiin also suggested initiating a facility fee to each ticket sold, which would create in excess of **\$100,000.00 in new revenue for the City**. This is in addition to the \$50,000.00+ in cost recovery fees paid by Twiin Productions, and the hundreds of thousands of dollars brought to the city by TOT and sales tax dollars.

On April 5, 2010, Twiin Productions received a response letter in electronic form from Nancy Rapp (Exhibit G). The letter stated:

*"This is an administrative decision involving the day-to-day management of the City park system made in concurrence with the City Administrator and, as such, it is **not an appealable decision.**"*

The City of Santa Barbara, Parks and Recreation Department General Policy, Pertaining to use of Parks, Recreation Facilities and Equipment (Exhibit H) states under General Provisions, paragraph 3:

*"In the event that a permit request is denied, the **applicant may appeal the decision.**"*

The Department Director did not follow the General Policy of the Parks and Recreation Department. **An arbitrary, unilateral policy decision was made that compromised the proper process for special event applications.**

Twiin Productions is requesting that City Council permit the event for the dates that are already held by the department.

Twiin Productions emphasizes that the window of opportunity for this event to happen is narrowing to only a couple of weeks. The proper appeal process can no longer be implemented, after the department director compromised the proper process. There simply is not enough time for an appeal review to Parks or Recreation commission.

Twiin Productions prepared a Special Event Brief for the City review (Exhibit I). During the Pre-Event Meeting, held on August 18, 2009, with City Staff from nearly all departments, Twiin Productions clearly outlined what the city should expect from the festival. In the minutes of the meeting (EXHIBIT J), Section 6 outlines the estimated attendance figures, Section 7 outlines the expected demographics per day, and Section 8 outlines the suggested personnel plan.

There was no change in those plans. The City departments approved the site map plan, and were aware of the expected impact of the festival.

Twiin Productions is not opposed to discussion or a special study that would evaluate the impact. However, an undefined study, with undefined results should not compromise the millions of dollars of investment, the thousands of jobs that are created locally, and the economic impact of tens of thousands of visitors brought to our city.

The event has far greater positive history than what is being presented as poor history. The metrics of how to define a "large special event and amplified music" are undefined as well.

Permitting the event, does not compromise City Charter. Claiming that the decision is not appealable does compromise General Policy.

DISCUSSION:

A discussion of the known issues and conflict resolution methods surrounding the special event has been outlined in Twiin Productions appeal letter, Exhibit F.

PREPARED BY: Jeremy Pemberton, President

SUBMITTED BY: Joshua Pemberton, Vice-President

EXHIBIT A

ATTACHMENT 9

Comments from nearby businesses regarding the West Beach Music Festival

2008 FESTIVAL FEEDBACK

Business	Comments	In favor of event returning?
Waterfront Grill (owner-Steve Hyslop)	<ul style="list-style-type: none"> General consensus from his customers was that they didn't like the fact that tickets did not allow "in & out" privileges. His restaurant did benefit with the after-parties that happened there. While his restaurant wasn't affected by any noise from event, he felt 3 days were too much and event would be more appropriate for SBCC's La Playa Stadium. Would like to see AVP event return 	Not in favor
Harbor View Inn and Eladios Restaurant (owner-Mark Romasanta)	<ul style="list-style-type: none"> Guests either checked out and left or didn't check in because there were no ocean views that weekend. Did not have festival goers staying at his hotel Had to bring in round-the-clock security staff to monitor his parking lot and clean it up since he knew he would get impacted by this event. 3 days of music is too much West Beach is wrong for this event. City receives a lot of bed tax from the hotels in the area and this event affects these dollars. Was approached by the Festival asking them to be a sponsor but he asked them if they would pay <u>him</u> to bring in additional security, staff to monitor/clean up parking lots, vacant rooms when people leave, etc. 	Not in favor
Hotel Oceana (mgr-Melissa Treue who started the week after the festival. Spoke to Front Office Mgr, Crystal)	<ul style="list-style-type: none"> Was sold out that weekend. The Music Festival did help them but they did have about 3 guests who decided not to stay and they had to give discounts to those who were sold first floor ocean views which were obstructive by the fencing. Some guests knew about the event and others were pleasantly surprised Could definitely hear the music. As long as they post notice on their website, problems are minimized AVP weekend was great but didn't have as much impact on them as the Music Festival did. Their staff really had to monitor their parking since people attempted to park there, plus people were wandering through their hotel afterwards, a bit drunk. If Music Festival plus hotel could put together a package deal, that would be a win-win. Garbage dumpsters along Cabrillo Boulevard took a long time to get picked up 	In favor
West Beach Inn (mgr-Theresa)	<ul style="list-style-type: none"> Didn't have any problems with this event Had been informed about it in advance and those who didn't know in advance didn't have a problem with it. Knows that some guests who stayed at hotel were going to the Music Festival Music volume was loud, but they were informed a 	In favor
Franciscan Inn 963-8845 (Asst Mgr-Eric Franklin) Debbie	<ul style="list-style-type: none"> Could hear the music from their motel, but mainly got positive comments Only had one noise complaint but couldn't remember which day it was for. Asst Manager's sister stayed in hotel and liked the fact that she would could reggae music on her balcony. May have gotten a bit of business from the Music Festival but it still is busy for them during September 	In favor
Ala Mar Hotel and Villa Rosa (mgr-Julia)	<ul style="list-style-type: none"> Thought it was a great thing She believes the Ala Mar Hotel got more business because of the Music Festival 	In favor
Business	Comments	In favor of event returning?

Colonial Inn (mgr-Craig) 3 blocks away from West Beach	<ul style="list-style-type: none"> • No complaints from his guests • Did have a couple of guests attend the Music Festival 	In favor
Harbor Restaurant	<ul style="list-style-type: none"> • They could hear the beat from the music at their restaurant. Comments were split between those who liked it and those who didn't. • Music Festival didn't affect their business one way or the other • Comments they got about the AVP event were all positive 	In favor
Moby Dick Restaurant (owner-Jose)	<ul style="list-style-type: none"> • 965-0549 • Business was slower than normal on the 3 days. Started to get busier on Sunday around 7pm • Many of his customers are older and don't like to come down to the restaurant when there's a lot of kids around. • Music volume was fine for his restaurant • Can see that festivals are good for City 	In favor